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March 30, 2011

**BY E.C.F. and HAND DELIVERY**

Honorable John Gleeson  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: David Bloomer, et al. v. City of New York, et al.  
10 Civ. 1470 (JG) (MDG)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced matter. In that capacity, I write to inform the Court that the parties have reached a settlement in this matter, and hereby submit the enclosed Stipulation of Settlement and Order of Dismissal for the Court's endorsement.

I thank the Court for its time and consideration of this matter.

Respectfully submitted,

s/ \_\_\_\_\_

Matthew Weir  
Assistant Corporation Counsel  
Special Federal Litigation Division

Encl.

cc: Honorable Marilyn D. Go, United States Magistrate Judge (via E.C.F.)

Brett Klein, Esq. (by E.C.F.)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DAVID BLOOMER and EQASHA BLOOMER,

Plaintiffs,

-against-

CITY OF NEW YORK, ANTHONY EGAN,  
VINCENT AGOSTINO, STEVEN ESCHNER,  
MICHELLE GLESSING, and JOHN and JANE DOE  
1 through 10, individually and in their official  
capacities, (the names John and Jane Doe being  
fictitious, as the true names are presently unknown),

Defendants.

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**STIPULATION OF  
SETTLEMENT AND ORDER OF  
DISMISSAL**

10 CV 1470 (JG) (MDG)

**WHEREAS**, plaintiffs commenced this action by filing a complaint in the Eastern District of New York on or about April 1, 2010, alleging that the defendants violated plaintiff's federal civil and state common law rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff David Bloomer the sum of THIRTY THOUSAND DOLLARS (\$30,000), and plaintiff Eqasha Bloomer the sum of FORTY-FIVE THOUSAND DOLLARS (\$45,000), in full satisfaction of all of plaintiffs' claims, including claims for costs, expenses, and attorneys' fees. In consideration for the payment of this sum, plaintiffs agree to dismissal with prejudice of all the claims against the named defendants, the City of New York, Anthony Egan, Vincent Agostino, Michelle Glessing and Steven Eschner, and to release all of defendants, including the defendants named herein as "JOHN and JANE DOE 1 through 10," and any present or former employees and agents of the City of New York or any agency thereof, including, but not limited to, the New York City Police Department, from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses, and attorneys' fees.

3. Plaintiffs shall each execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens. If Medicare has provided payment and/or benefits for any injury or condition that is the subject of this lawsuit, prior to tendering the requisite documents to effect this settlement, plaintiffs shall have notified Medicare and shall submit with the settlement documents a Medicare final demand letter for conditional payments. A Medicare Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. §1395y(b) and 42 C.F.R. §§411.22 through 411.26.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the

United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

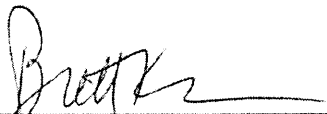
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. Plaintiff agrees to hold harmless the City of New York and defendants Anthony Egan, Vincent Agostino, Michelle Glessing, Steven Eschner and the individuals named herein as "JOHN and JANE DOE 1 through 10" regarding any liens or past and/or future Medicare payments, presently known or unknown in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendants reserve the right to issue a multiparty settlement check, naming Medicare as a payee or to issue a check to Medicare directly based upon Medicare's final demand letter.

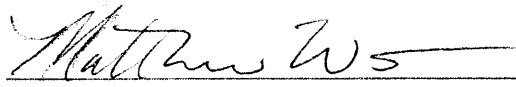
7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: Brooklyn, New York  
\_\_\_\_\_, 2011

Brett Klein, Esq.  
Leventhal & Klein, LLP  
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(718) 722-4100

By:   
\_\_\_\_\_  
Brett Klein  
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By:   
\_\_\_\_\_  
Matthew Weir  
*Assistant Corporation Counsel*

SO ORDERED:

\_\_\_\_\_  
HON. JOHN GLEESON  
UNITED STATES DISTRICT JUDGE